

## **MINUTES**

### **MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** Chairman Gary L. Perry, on January 28, 2009 at 10:00 A.M., in Room 303 Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. Gary L. Perry, Chairman (R)  
Sen. Jim Shockley, Vice Chairman (R)  
Sen. Aubyn Curtiss (R)  
Sen. John Esp (R)  
Sen. Greg Hinkle (R)  
Sen. Larry Jent (D)  
Sen. Carol C. Juneau (D)  
Sen. Cliff Larsen (D)  
Sen. Jesse Laslovich (D)  
Sen. Dan McGee (R)  
Sen. Lynda Moss (D)  
Sen. Terry Murphy (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Valencia Lane, Legislative Branch  
Pam Schindler, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: No bills heard in committee.

Executive Action: SB 92-Do Pass, SB 256-Do Pass, SB 189-Do Pass As Amended, SB 223-Tabled, SB 249-Do Pass As Amended, Suspended Action. Committee Bill-Increase Monetary Amount for Felony Theft.

**EXECUTIVE ACTION ON SB 92**

00:04:16 Sen. Perry  
00:05:40 Sen. Jent  
00:06:48 Sen. McGee  
00:08:16 Sen. Jent  
00:09:42 Sen. McGee  
00:10:41 Sen. Shockley  
00:11:01 Sen. Esp  
00:11:57 Valencia Lane, Legislative Services Division  
00:12:29 Sen. Perry

00:12:41 **Motion:** Sen. Jent moved that **SB 92 DO PASS.**

**Discussion:**

00:12:56 Sen Jent  
00:14:26 Sen. Shockley

00:14:33 **Vote:** Motion that **SB 92 DO PASS** carried 10-2 by voice vote with Sen. Juneau and Sen. Moss voting no.

**EXECUTIVE ACTION ON SB 223**

00:16:10 **Motion:** Sen. Juneau moved that **SB 223 DO PASS.**

00:17:06 **Motion:** Sen. Juneau moved that **SB 223 BE AMENDED.**  
**EXHIBIT(jus20a01)**

00:18:04 **Vote:** Motion that **SB 223 BE AMENDED** carried 7-5 by roll call vote with Sen. Curtiss, Sen. Esp, Sen. Hinkle, Sen. McGee, and Sen. Shockley voting no.

00:19:09 **Motion:** Sen. Juneau moved that **SB 223 DO PASS AS AMENDED.**

**Discussion:**

00:20:23 Sen. Juneau  
00:21:09 Sen. Moss  
**EXHIBIT(jus20a02)**

(Sen. Esp absent from room)

00:22:18 **Vote:** Motion that **SB 223 DO PASS AS AMENDED** failed 5-7 by roll call vote with Sen. Jent, Sen. Juneau, Sen. Larsen, Sen. Laslovich, and Sen. Moss voting aye. Sen. Esp voted by proxy.

(Sen. Esp returned to room.)

00:23:11 **Motion/Vote:** Sen. Shockley moved that **SB 223 BE TABLED AND THE VOTE REVERSED**. Motion carried.

**EXECUTIVE ACTION ON SB 249**

00:25:07 **Motion:** Sen. Curtiss moved that **SB 249 DO PASS**.

00:25:48 **Motion:** Sen. Laslovich moved that **SB 249 BE AMENDED**. [\*\*EXHIBIT\(jus20a03\)\*\*](#)

**Discussion:**

00:31:17 Sen. Shockley  
00:31:38 Sen. Curtiss  
00:32:17 Sen Esp  
00:32:25 Sen. Laslovich  
00:33:06 Sen. Shockley

00:33:18 **Motion:** Sen. Esp moved that **SB 249 BE AMENDED BY SEGREGATING SECTION 7 and SECTION 10 FROM AMENDMENT**.

00:33:48 Ms. Lane

00:34:30 **Substitute Motion:** Sen. Esp made a substitute motion that **SB 249 BE AMENDED by SEGREGATING SECTIONS 5, 6, 7, 8, and 10 FROM AMENDMENT**.

00:35:01 Sen. McGee  
00:35:45 Ms. Lane

00:36:45 **Vote:** Motion that **SB 249 BE AMENDED by SEGREGATING 5, 6, 7, 8, and 10 FROM AMENDMENT** carried 8-4 by roll call vote with Sen. Curtiss, Sen. Jent, Sen. Juneau, and Sen. Larsen voting no.

00:37:50 Sen. Curtiss  
00:38:14 Sen. Shockley

00:38:37 **Motion:** Sen. Laslovich moved that **SB 249 BE AMENDED with REMAINING SECTIONS of AMENDMENT**.

(Sen. Juneau absent from room.)

**Discussion:**

00:40:29 Sen. Shockley  
 00:41:16 Sen. McGee  
 00:43:51 Sen. Laslovich  
 00:44:48 Sen. McGee  
 00:45:07 Brenda Nordlund, Acting Administrator, Department of  
 Motor Vehicles, Department of Justice (DOJ)  
 00:47:49 Sen. McGee  
 00:48:05 Ms. Nordlund  
 00:49:19 Sen. McGee  
 00:49:31 Ms. Nordlund  
 00:50:32 Sen. McGee  
 00:51:05 Ms. Nordlund  
 00:51:48 Sen. McGee  
  
 00:52:02 **Vote:** Motion that **SB 249 BE AMENDED** carried  
 unanimously by voice vote. Sen. Juneau voted by proxy.  
  
 00:52:58 **Motion:** Sen. Curtiss moved that **SB 249 DO PASS AS**  
**AMENDED.**

**Discussion:**

00:53:08 Sen. Laslovich  
 00:54:36 Sen. Larsen  
 00:55:44 Sen. Shockley  
 00:56:14 Sen. Jent  
 00:58:56 Sen. Shockley  
 00:59:29 Sen. Jent  
 00:59:49 Sen. Shockley  
 01:01:06 Sen. Esp  
 01:01:56 Sen. Jent  
 01:02:30 Sen. Laslovich  
 01:03:57 Sen. Perry  
 01:04:19 Ms. Nordlund  
 01:07:12 Sen. Perry  
 01:07:32 Sen. McGee  
  
 01:07:39 Sen. Curtiss **WITHDREW MOTION SB 249 DO PASS AS AMENDED.**

**EXECUTIVE ACTION ON SB 256**

01:08:41 **Motion:** Sen. Shockley moved that **SB 256 DO PASS.**

01:12:04 **Vote:** Motion that **SB 256 DO PASS** carried unanimously by voice vote. Sen. Juneau voted by proxy.

**EXECUTIVE ACTION ON SB 230**

01:13:09 Sen. Shockley

01:13:21 Sen. Perry (no action taken.)

**EXECUTIVE ACTION ON SB 189**

01:13:47 **Motion:** Sen. Laslovich moved that **SB 189 DO PASS.**

01:15:16 **Motion:** Sen. McGee moved that **SB 189 BE AMENDED.**  
**EXHIBIT(jus20a04)**

01:16:06 **Vote:** Motion that **SB 189 BE AMENDED** carried unanimously by voice vote. Sen. Juneau voted by proxy.

01:16:24 **Motion:** Sen. McGee moved that **SB 189 DO PASS AS AMENDED.**

01:16:35 **Motion:** Sen. Jent moved that **SB 189 BE AMENDED.**  
**EXHIBIT(jus20a05)**

**Discussion:**

01:17:29 Sen. Joe Balyeat

01:21:23 Sen. Shockley

01:22:47 Sen. McGee

01:23:56 Sen. Laslovich

01:30:58 Sen. Shockley

01:32:06 Sen. Jent

01:33:59 Sen. McGee

01:37:58 Sen. Laslovich

01:38:35 Sen. Esp

01:39:06 Sen. Laslovich

01:39:39 Sen. Moss

01:42:09 **Vote:** Motion that **SB 189 BE AMENDED** failed 5-7 by roll call vote with Sen. Jent, Sen. Juneau, Sen. Larsen, Sen. Laslovich, and Sen. Moss voting aye. Sen. Juneau voted by proxy.

**Discussion:**

01:43:03 Ms. Lane  
01:43:43 Sen. McGee

01:44:19 **Vote:** Motion that **SB 189 DO PASS AS AMENDED** carried 10-2 by roll call vote with Sen. Juneau and Sen. Moss voting no. Sen. Juneau voted by proxy.

01:45:39 Sen. Perry  
01:45:51 Sen. McGee

**EXECUTIVE ACTION ON SB 212**

01:46:37 Sen. Shockley (no action taken.)

**EXECUTIVE ACTION ON COMMITTEE BILL**

01:47:35 **Motion:** Sen. Perry moved to **CREATE A COMMITTEE BILL-INCREASE MONETARY AMOUNT FOR FELONY THEFT.**

**Discussion:**

01:49:51 Sen. Shockley  
01:50:11 Sen. Laslovich  
01:50:27 Sen. Shockley  
01:50:47 Ms. Lane

01:50:59 **Vote:** Motion to **CREATE A COMMITTEE BILL-INCREASE MONETARY FELONY AMOUNT** carried unanimously by voice vote. Sen. Juneau voted by proxy.

**Committee Discussion regarding SB 139 heard on 1/14/09, Executive Action 1/15/09:**

01:52:03 Sen. Perry  
01:53:23 Sen. Shockley  
01:54:16 Ali Bovington, Assistant Attorney General, DOJ  
01:57:29 Sen. Shockley  
01:57:33 Ms. Bovington  
01:57:52 Sen. Shockley  
01:58:14 Sen. McGee  
01:58:43 Sen. Perry  
02:00:06 Sen. McGee  
02:01:04 Sen. Perry

**ADJOURNMENT**

Adjournment: 12:04 P.M.

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Pam Schindler, Secretary

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Additional Documents:

**EXHIBIT ([jus20aad.pdf](#))**